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Attorneys for Plaintiffs

**UNITED STATES FEDERAL DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

FIRE INSURANCE EXCHANGE;
MID-CENTURY INSURANCE
COMPANY; FOREMOST
PROPERTY AND CASUALTY
INSURANCE COMPANY;
FOREMOST INSURANCE
COMPANY GRAND RAPIDS,
MICHIGAN; and CALIFORNIA FAIR
PLAN ASSOCIATION,

Plaintiffs,

vs.

THE UNITED STATES OF
AMERICA; FCA US LLC, a
corporation; and CHRYSLER GROUP
LLC, a corporation

Defendants.

Case No.: **'15CV1196 L DHB**

COMPLAINT FOR DAMAGES

DEMAND FOR JURY TRIAL

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Irvine, CA 92614

JURISDICTION

1
2 1. This is an action arising under the Federal Tort Claims Act 28 U.S.C.
3 §§2671 et seq. This Court has jurisdiction over the subject matter of this
4 Complaint under 28 U.S.C. § 1346(b)(1), which provides, in part that, “[t]he
5 district courts...shall have exclusive jurisdiction of civil actions on claims against
6 the United States, for money damages, accruing on and after January 1, 1945, for
7 injury or loss of property...[c]aused by the negligent or wrongful act or omission
8 of any officer, employee or servant of the Government while acting within the
9 scope of his office or employment, under circumstances where the United States, if
10 a person, would be liable to the claimant in accordance with the law of the place
11 where the act or omission occurred”.

12 2. This action arises from the Chariot Fire that ignited July 6, 2013 and
13 consumed approximately 7,055 acres and destroyed 122 residential structures, 29
14 outbuildings and 66 vehicles (hereinafter referred to as the “Chariot Fire”).

15 3. The United States of America is a Defendant to this action.

16 4. All corporate Defendants named herein at all relevant times either do
17 or regularly did business in San Diego County and/or California.

PROCEDURAL ALLEGATIONS

18
19 5. On December 26, 2013, Plaintiffs FIRE INSURANCE EXCHANGE;
20 MID-CENTURY INSURANCE COMPANY; FOREMOST PROPERTY AND
21 CASUALTY INSURANCE COMPANY; FOREMOST INSURANCE
22 COMPANY GRAND RAPIDS, MICHIGAN timely filed an Administrative Tort
23 Claim with the Defendant United States of America’s Bureau of Land
24 Management (hereinafter referred to as the “BLM”). Please see attached Exhibit A.

25 6. BLM denied Plaintiffs’ Administrative Tort Claim on December 2,
26 2014, thereby permitting Plaintiffs to file a lawsuit under the Federal Tort Claims
27 Act in this federal court. Please see attached Exhibit B.

28

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PARTIES

13. BLM employee Jason Peters is and at all relevant times herein was an employee and/or agent of the BLM responsible for the area of San Diego County where the Chariot Fire originated.

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14. Defendant FCA US LLC, a corporation, is and at all relevant times herein was, a Delaware corporation, with its headquarters and principal place of business in Auburn Hills, Michigan.

15. Defendant CHRYSLER GROUP LLC, a corporation, is and at all relevant times herein was, a Delaware corporation, with its headquarters and principal place of business in Auburn Hills, Michigan.

16. In late 2014, CHRSYLER GROUP LLC changed its name to FCA US LLC according to media reports, but Plaintiffs do not know the exact transaction and do not know whether FCA US LLC is CHRYSLER GROUP LLC or whether there is some corporate separateness between the two companies requiring them each to be named herein as defendants.

17. Defendants FCA US LLC and CHRYSLER GROUP LLC will hereinafter be collectively referred to as “CHRYSLER”.

18. Defendant USA is vicariously liable for the negligent, reckless, or other acts of Jason Peters, all of whom were acting in the course and scope of their employment as officers, employees, agents, and/or servants at all relevant times herein alleged.

19. Plaintiffs paid their Insureds, under the terms of their respective policies of insurance, for damages caused by the Chariot Fire. As such, Plaintiffs have become equitably, contractually and legally subrogated to the claims, rights, and demands of each of its Insureds against all Defendants herein to the extent of the payments made, and to be made.

GENERAL ALLEGATIONS

20. Plaintiffs are informed and believe that in the afternoon of July 6, 2013, the Chariot Fire ignited when BLM Officer Jason Peters, acting under the course and scope of his employment and/or agency with the BLM, drove the BLM Jeep (hereinafter “JEEP”), US Government license plate number I428127, in tall, dry brush near the community of Julian, CA.

1 21. Jason Peters was, at all relevant times alleged, the possessor, operator
2 and driver of the JEEP that ignited the Chariot Fire, with BLM's express and/or
3 implied consent and permission, and within the course and scope of his
4 employment with the BLM.

5 22. For several years prior to July 6, 2013, San Diego County, California
6 had experienced drought conditions. The conditions and circumstances on or
7 about July 6, 2013, including the extended drought, high temperatures, low
8 humidity, dryness of vegetation were not only reasonably foreseeable, but were
9 well known to Defendant USA, and its agents and employees.

10 23. The Chariot Fire's general origin areas were located on property
11 managed, administered, operated and supervised by Defendant USA, and its agents
12 and employees.

13 24. On July 6, 2013, Jason Peters negligently ignited the Chariot Fire by,
14 amongst other things, failing to inspect, notice, maintain and/or clear debris and/or
15 dry brush from the JEEP while driving on or around Highway S2 and the Great
16 Southern Overland Stage Route, in an area southwest of Butterfield Ranch Resort,
17 in San Diego County. In addition, Jason Peters drove the JEEP in tall, dry grass
18 that is known or should have been known to cause a dangerous condition with the
19 possibility of fire.

20 25. Based on information and belief, the fire originated under the cab in
21 the chassis area below the transmission. Accumulated brush ignited from contact
22 with the catalytic converter. The JEEP has two catalytic converters that are
23 mounted to exhaust pipes and located approximately four inches above both sides
24 of the skid plate and transmission cross member. The front edge of the skid plate
25 on the JEEP cuts through tall brush allowing brush to accumulate along the top
26 side of the skid plate and cross member.

27 26. Based on information and belief, the dry brush and/or debris under the
28 JEEP ignited from contact with the catalytic converters, exhaust system, engine

1 block, fuel delivery system and/or other parts of the JEEP. Fire spread across the
2 brush and ignited plastic material, including the plastic incoming fuel line to the
3 engine compartment. Fire activity accelerated as the fuel tank contents drained out
4 of the burned fuel line. The fire severely damaged the vehicle.

5 27. Jason Peters, while acting under the course and scope of his BLM
6 employment, continued to drive across and around the Great Southern Overland
7 Stage Route area while his JEEP undercarriage was on fire and spread igniting
8 material which ignited multiple areas of origin. The multiple origin areas
9 combined to form the Chariot Fire.

10 28. The Chariot Fire spread dramatically and destroyed over 100
11 residences or other structures and destroyed automobiles. The destruction included
12 damage to the insureds' property covered by Plaintiffs.

13 **ALLEGATIONS AGAINST CHRYSLER'S**
14 **DEFECTIVE JEEP AND FAILURE TO RECALL**

15 29. CHRYSLER designed, manufactured, labeled, promoted, advertised,
16 distributed, inspected, and/or sold the subject JEEP.

17 30. The subject JEEP was defectively designed and manufactured because
18 debris from outside the vehicle is easily susceptible to getting caught and being
19 collected in the skid plates and undercarriage of the JEEP near or around the
20 catalytic converters, exhaust system, and other parts of the JEEP.

21 31. The subject JEEP was defective for other reasons related to the
22 ignition of fire in, near, or around the engine compartment, exhaust system and
23 other areas of the vehicle.

24 32. The defects in the subject JEEP were the cause or a substantial factor
25 in causing the subject Chariot Fire and causing damages to Plaintiffs.

26 33. The subject JEEP was a 2009 model, which had a substantially similar
27 or same design to the 2010 Jeep Wrangler, which was recalled for a defective
28 design that allowed debris from outside the vehicle to get caught and collect on the

1 skid plates and undercarriage of the Jeep vehicles, thereby causing or starting a fire
2 near or around the catalytic converters, exhaust system, and other parts of the
3 JEEP.

4 34. In or around 2012, approximately one year prior to the Chariot Fire,
5 CHRYSLER recalled approximately 67,877 2010 Jeep Wranglers due to fire
6 hazards caused by debris collection in the skid plate and fires igniting near
7 catalytic converters, but knowingly, willfully, intentionally, and recklessly failed to
8 recall any other Jeep Wrangler model years despite having the same or similar
9 design defects that create the same or similar fire hazards.

10 35. CHRYSLER, in relation to the recalled 2010 Jeep, drafted an owner
11 notification letter which read in part, “The transmission skid plate on your vehicle
12 (VIN:XXXXXXXXXX) may allow debris to collect in the undercarriage of the
13 vehicle under certain driving conditions. If an excessive amount of debris collects
14 in the undercarriage, the catalytic converter could ignite the debris, causing an
15 underbody fire without warning.”

16 36. The “fix” to the recalled 2010 Jeep was the installation of a skid “bar”
17 to replace a skid “plate”, thereby reducing and/or eliminating the skid plate’s
18 ability to collect debris that could lead to the ignition of a fire near or around the
19 catalytic converter or exhaust system, but CHRYSLER knowingly, negligently,
20 willfully, intentionally, and recklessly failed to recall other Jeep Wrangler model
21 years including the 2009, failing to provide the same skid “bar” replacement
22 instructions.

23 37. JEEP’s remedy was simple, as outlined in the U.S. Department of
24 Transportation National Highway Traffic Safety Administration recall
25 acknowledgement letter dated May 18, 2012. The “Remedy” was “CHRYSLER
26 WILL NOTIFY OWNERS, AND DEALERS WILL REPLACE THE SKID
27 PLATE WITH A SKID BAR, FREE OF CHARGE”.

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1 38. The Dealer Service Instructions for the 2010 Jeep Wrangler recall,
2 known as “Safety Recall M22/NHTSA 12V-216” states “Subject: The transmission
3 skid plate on about 67,800 of the above vehicles may allow vehicles may allow
4 debris to collect in the undercarriage of the vehicle under certain driving
5 conditions. If an excessive amount of debris collect in the undercarriage, the
6 catalytic converter could ignite debris, causing an underbody fire without warning.
7 Repair: The transmission skid plate must be replaced with a skid bar on all
8 involved vehicles.” The Dealer Service Instructions further state, “No special tools
9 are required to perform this service procedure”.

10 39. Despite the owner notification for the 2010 Jeep Wrangler recall and
11 skid plate to skid bar replacement instructions, CHRYSLER knowingly,
12 negligently, willfully, intentionally, and recklessly failed to notify owners of any
13 other Jeep models including 2009 despite the same or substantially similar fire
14 hazard due to the same or substantially similar design defect.

15 40. In or around November 2011, the Chinese government required the
16 CHRYSLER Defendants to recall Jeep Wranglers from 2007 through 2010, which
17 included the 2009 subject JEEP. The “fix” under the Chinese recall was similarly
18 the installation of a skid “bar” to replace a skid “plate”, thereby reducing and/or
19 eliminating the skid plate’s ability to collect debris that could lead to the ignition of
20 a fire near or around the catalytic converter or exhaust system.

21 41. Prior to recalling the 2010 Jeep Wrangler, CHRYSLER received
22 reports of and knew about other model year Jeep Wranglers, including the 2009
23 models, catching fire due to similar or same design defects. Despite having actual
24 knowledge of the design defect in other model year Jeep Wranglers, CHRYSLER
25 knowingly, negligently, willfully, intentionally, and recklessly failed to recall any
26 other model years, including 2009, in order to reduce monetary losses from
27 recalling vehicles, to increase profits, and to reduce negative media attention
28

1 despite the severe risk to human health and safety, including severe risk to property
2 loss such as suffered by Plaintiffs.

3 42. CHRYSLER promotes their Jeep Wrangler for off-road use. As of
4 January 28, 2015, CHRYSLER boasts on its website that the Jeep Wrangler is
5 “Trail Rated ® for the toughest trails in the world. The Trail Rated ® badge
6 signifies that any vehicle holding it has been tested to perform in the following five
7 categories of off-road conditions: traction, ground clearance, maneuverability,
8 articulation and water fording.”

9 **FIRST CLAIM FOR RELIEF**

10 **(Negligence Against Defendant USA)**

11 43. Plaintiffs hereby incorporate each and every allegation as though fully
12 set forth herein.

13 44. At all relevant times, the Defendant USA, and its agents and/or
14 employees were solely responsible and obligated to exercise a high degree of care
15 in the management and supervision of the public land where the fire originated.

16 45. At all relevant times, the Defendant USA had a duty to reasonably and
17 properly manage, maintain, and supervise its public land in a manner as not to
18 cause personal and/or real property damage to the property of Plaintiffs’ Insureds.

19 46. Defendant USA knew or should have known that the JEEP posed the
20 threat of and created a dangerous condition in and around an area that was
21 extremely susceptible to wildfire.

22 47. Defendant USA negligently breached their duty of care by:

23 a. Failing to inspect, notice and/or clear out debris from under the
24 JEEP’s undercarriage;

25 b. Driving in tall, dry brush with knowledge of fire susceptibility
26 and drought conditions in the area he was driving;

27 c. Failing to maintain and upkeep the JEEP in a manner as not to
28 cause a fire;

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1 d. Failing to recognize that the JEEP was igniting debris as the
2 vehicle was being driving around; and

3 e. Failing to extinguish and prevent the spread of the fire.

4 48. The negligence of Defendant USA, and its agents and employees, was
5 a substantial factor causing Plaintiffs damages. Defendant USA's failure to comply
6 with their duty of care proximately and directly caused damage to the Plaintiffs.

7 49. As a direct and proximate result of the conduct of Defendant USA,
8 Plaintiffs sustained loss and damage in an amount in excess of \$2 million as shown
9 on Exhibit E.

10 **SECOND CLAIM FOR RELIEF**

11 **(Strict Product Liability Against CHRYSLER)**

12 50. Plaintiffs hereby incorporate each and every allegation as though fully
13 set forth herein.

14 51. CHRYSLER designed, manufactured, distributed and/or sold the
15 subject JEEP.

16 52. The subject JEEP did not perform as safely as an ordinary consumer
17 would have expected it to perform when used or misused in an intended or
18 reasonably foreseeable way.

19 53. Plaintiffs were harmed and incurred damages as a result of the JEEP's
20 failure to perform safely.

21 54. The JEEP's defective design and failure to perform safely was a
22 substantial factor in causing Plaintiffs harm.

23 55. The JEEP had potential risks, including but not limited to fire ignition,
24 that were known and/or knowable in light of the scientific and
25 mechanical/engineering knowledge that were generally accepted in the community
26 at the time of the design, manufacture, distribution and sale.

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1 67. Plaintiffs were harmed and incurred damages as a result of
2 CHRYSLER'S negligence, which was a substantial factor in causing Plaintiffs
3 harm and damages.

4 68. CHRYSLER manufactured, distributed and/or sold the subject JEEP.

5 69. CHRYSLER knew or reasonably should have known that the JEEP
6 was dangerous or likely to be dangerous when used or misused in a reasonably
7 foreseeable manner.

8 70. CHRYSLER knew or reasonably should have known that the users
9 would not realize the danger.

10 71. A reasonable manufacturer, distributor, or seller under the same or
11 similar circumstances would have warned of the defect affecting the subject JEEP.

12 72. Plaintiffs were harmed and incurred damages as a result of the
13 manufacturing defect, which was a substantial factor in causing Plaintiffs harm and
14 damages.

15 **FOURTH CLAIM FOR RELIEF**

16 **(Negligent Recall/Retrofit against CHRYSLER)**

17 73. Plaintiffs hereby incorporate each and every allegation as though fully
18 set forth herein.

19 74. CHRYSLER manufactured, distributed and/or sold the subject JEEP.

20 75. CHRYSLER knew or reasonably should have known that the subject
21 JEEP was dangerous or likely to be dangerous when used in a reasonably
22 foreseeable manner.

23 76. CHRYSLER became aware of this defect after the subject JEEP was
24 sold.

25 77. CHRYSLER failed to recall and/or retrofit or warn of the danger of
26 the subject JEEP.

27

28

79. Plaintiffs were harmed and incurred damages due to Defendant's failure to recall and/or retrofit and/or warn of the product, which was a substantial factor in causing Plaintiffs' harm.

80. Plaintiffs hereby demand a trial by jury.

3. For such other relief as the Court deems just and proper.

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By: /s/
CRAIG S. SIMON
Attorneys for Plaintiffs FIRE
INSURANCE EXCHANGE; MID-
CENTURY INSURANCE COMPANY;
FOREMOST PROPERTY AND
CASUALTY INSURANCE COMPANY;
FOREMOST INSURANCE COMPANY
GRAND RAPIDS, MICHIGAN; and
CALIFORNIA FAIR PLAN
ASSOCIATION
Email: csimon@bergerkahn.com

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Exhibit A

Berger Kahn

A Law Corporation

December 26, 2013

Orange County
2 Park Plaza, Suite 650
Irvine, CA 92614-8516

P.O. Box 19694
Irvine, CA 92623-9694

Phone: (949) 474-1880
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Phone: (310) 578-6800
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San Diego
Phone: (858) 547-0075
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San Francisco Bay Area
Phone: (415) 891-3321
Fax: (415) 891-3322

Via U.S. Mail, Facsimile (951) 697-5299 and Certified Mail

Bureau of Land Management
California Desert District
22835 Calle San Juan De Los Lagos
Moreno Valley, CA 92553

Re: Chariot Fire – Evidence Preservation
Date of Loss: July 6, 2013

Gentlemen:

Please be advised that our firm has been retained to represent the subrogation interests of Mid-Century Insurance Company, Fire Insurance Exchange, Foremost Insurance Company Grand Rapids Michigan and Foremost Property and Casualty Company (“Farmers”), the property insurers for the below listed insureds, with regard to a brush fire that occurred on or about July 6, 2013 in Julian/Mount Laguna area of San Diego County, California. Farmers’ losses in this matter are expected to be in excess of \$2 million. As of this time, Farmers has received notice of the following claims:

CARTER	HAROLD	11067 SUNRISE HIGHWAY #13	MOUNT LAGUNA	91948
NITZ	BOBBIE	11670 SUNRISE HWY #86	SHRINER CAMP	91948
URIBE	RICHARD	CBN #10 SHRINE TRACT.	MT. LAGUNA	91948
BELL	HEYWOOD	11670 SUNRISE HWY #41 AL BAHR SHRINE CAMP	MT LAGUNA	91948
ANTHONY JR	JAMES	11067 SUNRISE HWY AL BAHR SHRINE CAMP#90	MT LAGUNA	91948
COX	ELIZABETH	11067 SUNRISE HWY AL BAHR SHRINE CAMP#16	MOUNT LAGUNA	91948
COVARRUBIAS	SAL	11670 SUNRISE HWY #67 AL BAHR SHRINE CAMP	MOUNT LAGUNA	91948
RUCH	VICKI	110670 SUNRISE HIGHWAY AL BAHHR SHRINE CAMP#105	MOUNT LAGUNA	91948
SHULTZ	STEPHEN	11670 SUNRISE HWY # 27 AL BAHR SHRINE CAMP	MT LAGUNA	91948
NITZ	BOBBIE	11670 SUNRISE HWY AL BAHR SHRINE CAMP#86	MT LAGUNA	91948
POWELL	ROBERT	11067 SUNRISE HWY AL BAHR SHRINE CAMP#91	MT LAGUNA	91948

Re: Chariot Fire
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ADAMS	ROBERT	11670 SUNRISE HWY AL BAHR SHRINE CAMP#102	MOUNT LAGUNA	91948
JOHNSON	PAUL	11670 SUNRISE HWY	MOUNT LAGUNA	91948
CARLSON	RICHARD	11670 SUNRISE HWY SUNRISE RV PARK#25	MOUNT LAGUNA	91948
BENKER	RICHARD	SUNRISE HWY SPACE 54 AL BAHR SHRINE CAMP#54	MT LAGUNA	91948
SALINI	BOB	11067 SUNRISE HIGHWAY AL BAHN SHRINER CAMP	MOUNT LAGUNA	91948
LOPEZ	ADRIAN	11670 SUNRISE AL BAHN SHRINE CAMP#89	MOUNT LAGUNA	91948
BRILL	RANDY	11130 SUNRISE HWY AL BAHR SHRINE CAMP#78	MOUNT LAGUNA	91948
JESMOND	ANTHONY	11670 SUNRISE HWY	MOUNT LAGUNA	91948
PALMER	MICHAEL	AL BAHN SHRINE	MT LAGUNA	91948
ACUNA	GEORGE	11670 SUNRISE HWY AL BAHR SHRINE CAMP#104	MT LAGUNA	91948
JAYROE	RICHARD	11670 SUNRISE HWY AL BAHR SHRINE CAMP#64	MOUNT LAGUNA	91948
ENGSTROM	KARL	11670 SUNRISE HIGHWAY AL BAHN SHRINE CAMP#76	MOUNT LAGUNA	91948
BAUERSFELD	RICHARD	11670 SUNRISE HWY AL BAHR SHRINE CAMP#81	MT LAGUNA	91948
STRANGMAN	ROBERT	11670 SUNRISE HWY AL BAHR SHRINE CAMP#79	MOUNT LAGUNA	91948
RUSSO	MICHAEL	11670 SUNRISE HWY	MT LAGUNA	91948
QUINE	NANCY	11067 SUNRISE HWY AL BAHR SHRINE CAMP	MOUNT LAGUNA	91948
SHEPARD	EUGENE	11670 SUNRISE HIGHWAY	MOUNT LAGUNA	91948
ELMORE	STAN	11670 SUNRISE HIGHWAY #50	MOUNT LAGUNA	91948
CHAVEZ	RICHARD	AL BAHN SHRINE CAMP AL BAHR SHRINE CAMP#82	MOUNT LAGUNA	91948
HAHN	LOUIS	11670 SUNRISE HWY SPC 101 AL BAHN SHRINE CAMP MHP	MOUNT LAGUNA	91948
COCHRAN	JOE	11670 SUNRISE HWY AL BAHR SHRINE CAMP	MOUNT LAGUNA	91948
LARSEN	RICHARD	11670 SUNRISE HWY AL BAHR SHRINE CAMP #74	MT LAGUNA	91948

Re: Chariot Fire
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FAIN	SHIRLEY	11670 SUNRISE HWY AL BAHR SHRINE CAMP#31	MOUNT LAGUNA	91948
MUTH	VICTOR	11670 SUNRISE HWY#24	MT LAGUNA	91948
HUNTER	PATRICIA	11067 SUNRISE HWY AL BAHR SHRINE CAMP#19	MT LAGUNA	91948
KELLER	DONALD	11670 SUNRISE HWY AL BAHR SHRINE CAMP	MOUNT LAGUNA	91948
SNELL	WILLIAM	11670 SUNRISE HWY AL BAHR SHRINE CAMP#33	MOUNT LAGUNA	91948
CONDON	HOWARD	66 MOUNT LAGUNA AL BAHR SHRINE CAMP	MOUNT LAGUNA	91948
WIEMAN	DON	11670 SUNRISE HWY AL BAHR SHRINE CAMP#37	MT LAGUNA	91948
KOPENHAVER	WILLIAM	11670 SUNRISE HWY AL BAHR SHRINE CAMP #100	MT LAGUNA	91948
GRIEVE	KENNETH	11670 SUNRISE HWY AL BAHR SHRINE CAMP	MT LAGUNA	91948
ALLEN	DAVID	11670 SUNRISE HWY AL BAHR SHRINE CAMP#30	MT LAGUNA	91948
LYTTLETON	HUGH	11670 SUNRISE HWY #34	MT LAGUNA	91948
MAGDALUYO	DARLENE	ALBAHR SHRINE CAMP AL BAHR SHRINE CAMP #70	MOUNT LAGUNA	91948
FORD	JOHN	11670 SUNRISE HIGHWAY #94	MOUNT LAGUNA	91948
CLIFTON LORNE JR	JOHN	SHRINE CAMP	MT LAGUNA	91948

Preliminary investigation has revealed that the subject fire began off Sunrise Highway approximately 9 miles southeast of Julian. The fire then jumped the Sunrise highway and burned around and through the Mount Laguna area. The fire started as the result of a Jeep owned and operated by the Bureau of Land Management ("BLM") after brush became entangled in its undercarriage, causing grass west of Butterfield Ranch Resort to ignite. The Jeep burned on the floor of the desert at the same time the fire began. The fire then spread to the residential properties located in and round the Mount Laguna area. As such, we will be filing a claim on behalf of Farmers against the Bureau of Land Management for the resulting damages.

We request that all evidence relating to this loss (including the Jeep, any items, gate locks, photographs, brush clearance notices, citations, etc. pertaining to the property involved) be preserved without alteration so that all interested parties may have an opportunity to review and inspect same. We further request that a litigation hold be placed on all relevant documents. Please contact the undersigned immediately so that we may move forward with scheduling an inspection of the evidence.

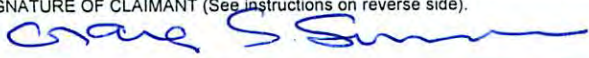
Re: Chariot Fire
December 26, 2013
Page 4 of 4

Please let us hear from you within ten (10) days of the date of this letter. We look forward to hearing from you soon.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Craig S. Simon". The signature is fluid and cursive, with the first name "Craig" and last name "Simon" clearly distinguishable.

Craig S. Simon

CLAIM FOR DAMAGE, INJURY, OR DEATH		INSTRUCTIONS: Please read carefully the instructions on the reverse side and supply information requested on both sides of this form. Use additional sheet(s) if necessary. See reverse side for additional instructions.		FORM APPROVED OMB NO. 1105-0008	
1. Submit to Appropriate Federal Agency: Bureau of Land Management; California Desert District 22835 Calle San Juan De Los Lagos Moreno Valley, CA 92553			2. Name, address of claimant, and claimant's personal representative if any. (See instructions on reverse). Number, Street, City, State and Zip code. Fire Insurance Exchange; Foremost Insurance Company Grand Rapids, Michigan; Mid-Century Insurance Company; Foremost Property and Casualty Insurance Company;		
3. TYPE OF EMPLOYMENT <input type="checkbox"/> MILITARY <input type="checkbox"/> CIVILIAN		4. DATE OF BIRTH n/a	5. MARITAL STATUS n/a	6. DATE AND DAY OF ACCIDENT 07/06/2013	
7. TIME (A.M. OR P.M.) 12:55 pm (approx)					
8. BASIS OF CLAIM (State in detail the known facts and circumstances attending the damage, injury, or death, identifying persons and property involved, the place of occurrence and the cause thereof. Use additional pages if necessary). Preliminary investigation has revealed that the subject fire began off Sunrise Highway approximately 9 miles southeast of Julian. The fire then jumped the Sunrise highway and burned around and through the Mount Laguna area. The fire started as the result of a Jeep owned and operated by the Bureau of Land Management ("BLM") after brush became entangled in its undercarriage, causing grass west of Butterfield Ranch Resort to ignite. The Jeep burned on the floor of the desert at the same time the fire began. The fire then spread to the residential properties located in and round the Mount Laguna area.					
9. PROPERTY DAMAGE					
NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT (Number, Street, City, State, and Zip Code). c/o Craig S. Simon, Esq; Berger Kahn; 2 Park Plaza, Suite 650, Irvine, CA 92614					
BRIEFLY DESCRIBE THE PROPERTY, NATURE AND EXTENT OF THE DAMAGE AND THE LOCATION OF WHERE THE PROPERTY MAY BE INSPECTED. (See instructions on reverse side). Damage to Claimants' Insureds' property and loss of use of property as a result of the Chariot Fire.					
10. PERSONAL INJURY/WRONGFUL DEATH					
STATE THE NATURE AND EXTENT OF EACH INJURY OR CAUSE OF DEATH, WHICH FORMS THE BASIS OF THE CLAIM. IF OTHER THAN CLAIMANT, STATE THE NAME OF THE INJURED PERSON OR DECEDENT.					
11. WITNESSES					
NAME			ADDRESS (Number, Street, City, State, and Zip Code)		
12. (See instructions on reverse). AMOUNT OF CLAIM (in dollars)					
12a. PROPERTY DAMAGE 2,000,000		12b. PERSONAL INJURY		12c. WRONGFUL DEATH	
				12d. TOTAL (Failure to specify may cause forfeiture of your rights). 2,000,000	
I CERTIFY THAT THE AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE INCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM.					
13a. SIGNATURE OF CLAIMANT (See instructions on reverse side). 			13b. PHONE NUMBER OF PERSON SIGNING FORM (949) 474-1880		14. DATE OF SIGNATURE 12/26/2013
CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM The claimant is liable to the United States Government for a civil penalty of not less than \$5,000 and not more than \$10,000, plus 3 times the amount of damages sustained by the Government. (See 31 U.S.C. 3729).			CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS Fine, imprisonment, or both. (See 18 U.S.C. 287, 1001.)		

INSURANCE COVERAGE	
In order that subrogation claims may be adjudicated, it is essential that the claimant provide the following information regarding the insurance coverage of the vehicle or property.	
15. Do you carry accident insurance? <input type="checkbox"/> Yes If yes, give name and address of insurance company (Number, Street, City, State, and Zip Code) and policy number. <input type="checkbox"/> No	
Claimant in an insurance carrier seeking subrogation.	
16. Have you filed a claim with your insurance carrier in this instance, and if so, is it full coverage or deductible? <input type="checkbox"/> Yes <input type="checkbox"/> No	17. If deductible, state amount.
N/A	
18. If a claim has been filed with your carrier, what action has your insurer taken or proposed to take with reference to your claim? (It is necessary that you ascertain these facts).	
N/A	
19. Do you carry public liability and property damage insurance? <input type="checkbox"/> Yes If yes, give name and address of insurance carrier (Number, Street, City, State, and Zip Code). <input type="checkbox"/> No	
N/A	
INSTRUCTIONS	
<p>Claims presented under the Federal Tort Claims Act should be submitted directly to the "appropriate Federal agency" whose employee(s) was involved in the incident. If the incident involves more than one claimant, each claimant should submit a separate claim form.</p> <p style="text-align: center;">Complete all items - Insert the word NONE where applicable.</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <p>A CLAIM SHALL BE DEEMED TO HAVE BEEN PRESENTED WHEN A FEDERAL AGENCY RECEIVES FROM A CLAIMANT, HIS DULY AUTHORIZED AGENT, OR LEGAL REPRESENTATIVE, AN EXECUTED STANDARD FORM 95 OR OTHER WRITTEN NOTIFICATION OF AN INCIDENT, ACCOMPANIED BY A CLAIM FOR MONEY</p> <p>Failure to completely execute this form or to supply the requested material within two years from the date the claim accrued may render your claim invalid. A claim is deemed presented when it is received by the appropriate agency, not when it is mailed.</p> <p>If instruction is needed in completing this form, the agency listed in item #1 on the reverse side may be contacted. Complete regulations pertaining to claims asserted under the Federal Tort Claims Act can be found in Title 28, Code of Federal Regulations, Part 14. Many agencies have published supplementing regulations. If more than one agency is involved, please state each agency.</p> <p>The claim may be filled by a duly authorized agent or other legal representative, provided evidence satisfactory to the Government is submitted with the claim establishing express authority to act for the claimant. A claim presented by an agent or legal representative must be presented in the name of the claimant. If the claim is signed by the agent or legal representative, it must show the title or legal capacity of the person signing and be accompanied by evidence of his/her authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian or other representative.</p> <p>If claimant intends to file for both personal injury and property damage, the amount for each must be shown in item number 12 of this form.</p> </div> <div style="width: 48%;"> <p>DAMAGES IN A <u>SUM CERTAIN</u> FOR INJURY TO OR LOSS OF PROPERTY, PERSONAL INJURY, OR DEATH ALLEGED TO HAVE OCCURRED BY REASON OF THE INCIDENT. THE CLAIM MUST BE PRESENTED TO THE APPROPRIATE FEDERAL AGENCY WITHIN <u>TWO YEARS</u> AFTER THE CLAIM ACCRUES.</p> <p>The amount claimed should be substantiated by competent evidence as follows:</p> <p>(a) In support of the claim for personal injury or death, the claimant should submit a written report by the attending physician, showing the nature and extent of the injury, the nature and extent of treatment, the degree of permanent disability, if any, the prognosis, and the period of hospitalization, or incapacitation, attaching itemized bills for medical, hospital, or burial expenses actually incurred.</p> <p>(b) In support of claims for damage to property, which has been or can be economically repaired, the claimant should submit at least two itemized signed statements or estimates by reliable, disinterested concerns, or, if payment has been made, the itemized signed receipts evidencing payment.</p> <p>(c) In support of claims for damage to property which is not economically repairable, or if the property is lost or destroyed, the claimant should submit statements as to the original cost of the property, the date of purchase, and the value of the property, both before and after the accident. Such statements should be by disinterested competent persons, preferably reputable dealers or officials familiar with the type of property damaged, or by two or more competitive bidders, and should be certified as being just and correct.</p> <p>(d) Failure to specify a sum certain will render your claim invalid and may result in forfeiture of your rights.</p> </div> </div>	
PRIVACY ACT NOTICE	
<p>This Notice is provided in accordance with the Privacy Act, 5 U.S.C. 552a(e)(3), and concerns the information requested in the letter to which this Notice is attached.</p> <p>A. <i>Authority:</i> The requested information is solicited pursuant to one or more of the following: 5 U.S.C. 301, 28 U.S.C. 501 et seq., 28 U.S.C. 2671 et seq., 28 C.F.R. Part 14.</p>	<p>B. <i>Principal Purpose:</i> The information requested is to be used in evaluating claims.</p> <p>C. <i>Routine Use:</i> See the Notices of Systems of Records for the agency to whom you are submitting this form for this information.</p> <p>D. <i>Effect of Failure to Respond:</i> Disclosure is voluntary. However, failure to supply the requested information or to execute the form may render your claim "invalid."</p>
PAPERWORK REDUCTION ACT NOTICE	
<p>This notice is <u>solely</u> for the purpose of the Paperwork Reduction Act, 44 U.S.C. 3501. Public reporting burden for this collection of information is estimated to average 6 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Director, Torts Branch, Attention: Paperwork Reduction Staff, Civil Division, U.S. Department of Justice, Washington, DC 20530 or to the Office of Management and Budget. Do not mail completed form(s) to these addresses.</p>	

STANDARD FORM 95 REV. (2/2007) BACK

TRANSMISSION VERIFICATION REPORT

TIME : 12/26/2013 15:38
 NAME : BERGER KAHN
 FAX : 9494747265
 TEL : 9494741880
 SER. # : BROE9J931419

DATE, TIME
 FAX NO./NAME
 DURATION
 PAGE(S)
 RESULT
 MODE

12/26 15:36
 919516975299
 00:01:31
 07
 OK
 STANDARD
 ECM

Berger Kahn

A Law Corporation

2 PARK PLAZA • SUITE 650 • IRVINE, CA 92614-8516
 MAILING ADDRESS: P.O. BOX 19694 • IRVINE, CA 92623-9694
 TELEPHONE: (949) 474-1880 • TELECOPIER: (949) 474-7265

Telecopier Transmission Cover Sheet

TO:	Whom it may concern	DATE:	December 26, 2013
COMPANY:	Bureau of Land Management	FILE NO.:	1543-0001
FROM:	Craig S. Simon	RE:	Chariot Fire
FAX NO.	(951) 697-5299	NO. OF PAGES:	7
			(including this page)

ATTACHED PLEASE FIND: Notice letter and Claim for Damage

- | | |
|---|--|
| <input type="checkbox"/> This copy is for your file. | <input type="checkbox"/> This is the document you requested. |
| <input type="checkbox"/> No action is required on your part. | <input type="checkbox"/> Please OK before we mail the original. |
| <input type="checkbox"/> Unless you have corrections or questions, sign this and return it to us. | <input type="checkbox"/> Please phone us to discuss this matter. |
| <input type="checkbox"/> Please let us have your comments and suggestions. | <input checked="" type="checkbox"/> We will mail the original. |

NOTES:

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Bureau of Land Management
California Desert District
22835 Calle San Juan De los Lagos
Moreno Valley, CA 92553

2. Article Number

(Transfer from service label)

7009 2820 0002 4257 9852

23

EXHIBIT A

A. Signature

x

☐ Agent☐ Addressee

B. Received by (*Printed Name*)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

UNITED STATES POSTAL SERVICE

02 JAN 2014 PM 3 11

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

- Sender: Please print your name, address, and ZIP+4 in this box •

BERGER KAHN, A
LAW CORPORATION
2 PARK PLAZA, SUITE 650
P.O. BOX 19694
IRVINE, CA 92623

24

EXHIBIT A

CSO Charist

Exhibit B



IN REPLY
REFER TO:

United States Department of the Interior

OFFICE OF THE SOLICITOR
Pacific Southwest Region
2800 Cottage Way
Room E-1712
Sacramento, California 95825-1890

DEC 2 2014

RECEIVED

DEC 05 2014

BERGER KAHN

Certified Mail - Return Receipt Requested

Craig S. Simon, Esq.
Berger Kahn A Law Corporation
2 Park Plaza Suite 650
Irvine, CA 92614-8516

Subject: Mid-Century Insurance Company, Fire Insurance Exchange, Foremost Insurance Company Grand Rapids Michigan and Foremost Property and Casualty Insurance Company (Farmers); TS-0002 thru TS-0047

Dear Mr. Simon:

You have filed tort claims on behalf of (see client's listed on attached sheet), in the amount of \$2,000,000.00 pursuant to the Federal Tort Claims Act, 28 U.S.C. §§ 2671-2680, which provides for settlement of claims for damages caused by the negligent act or omission of a government employee while acting within the scope of his/her employment under certain specified circumstances. These claims have been referred to this office by the Bureau of Land Management (BLM) for administrative determination.

The administrative record fails to disclose any factual or legal basis to support a finding that the United States is responsible for the property damage claimed by your clients as a result of the Chariot Fire on July 6, 2013. Therefore, these claims must be and are hereby denied.

If you are dissatisfied with this finding, you may resubmit this claim, together with your reasons for reconsideration, to the Regional Solicitor, Pacific Southwest Region, 2800 Cottage Way, Room E-1712, Sacramento, California 95825, within six months from the date of the mailing of this decision, or you may file an action in the United States District Court within that same six months.

Sincerely,

Clementine Josephson
Acting Regional Solicitor

cc: Safety Officer-BLM

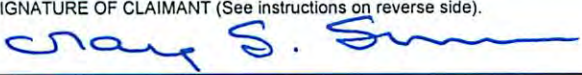
Craig S. Simon

Berger Kahn A Law Corporation

<u>Name</u>	<u>Unit</u>	<u>Solicitor's Office</u>
1. George Acuna	104	TS-0002
2. Robert Adams	102	TS-0003
3. David Allen	30	TS-0004
4. James Anthony Jr.	90	TS-0005
5. Richard Bauersfeld	81	TS-0006
6. Heywood Bell	41	TS-0007
7. Richard Benker	54	TS-0008
8. Randy Brill	78	TS-0009
9. Richard Carlson	25	TS-0010
10. Harold Carter	13	TS-0011
11. Richard Chavez	82	TS-0012
12. John Clifton Lorne Jr.	None Listed	TS-0013
13. Joe Cochran	None Listed	TS-0014
14. Howard Condon	None Listed	TS-0015
15. Sal Covarrubias	67	TS-0016
16. Elizabeth Cox	16	TS-0017
17. Stan Elmore	50	TS-0018
18. Karl Engstrom	76	TS-0019
19. Shirley Fain	31	TS-0020
20. John Ford	94	TS-0021
21. Kenneth Grieve	None Listed	TS-0022
22. Louis Hahn	101	TS-0023
23. Patricia Hunter	19	TS-0024
24. Richard Jayroe	64	TS-0025
25. Anthony Jesmond	None Listed	TS-0026
26. Paul Johnson	None Listed	TS-0027
27. Donald Keller	None Listed	TS-0028
28. William Kopenhaver	100	TS-0029

29. Richard Larsen	74	TS-0030
30. Adrian Lopez	89	TS-0031
31. Hugh Lyttleton	34	TS-0032
32. Darlene Magdaluyo	70	TS-0033
33. Victor Muth	24	TS-0034
34. Bobbie Nitz (Listed Twice)	86	TS-0035
35. Michael Palmer	None Listed	TS-0036
36. Robert Powell	91	TS-0037
37. Nancy Quine	None Listed	TS-0038
38. Vicki Ruch	105	TS-0039
39. Michael Russo	None Listed	TS-0040
40. Bob Salini	None Listed	TS-0041
41. Eugene Shepard	None Listed	TS-0042
42. Stephen Shultz	27	TS-0043
43. William Snell	33	TS-0044
44. Robert Strangman	79	TS-0045
45. Richard Uribe	10	TS-0046
46. Don Wierman	37	TS-0047

Exhibit C

CLAIM FOR DAMAGE, INJURY, OR DEATH (AMENDED)		INSTRUCTIONS: Please read carefully the instructions on the reverse side and supply information requested on both sides of this form. Use additional sheet(s) if necessary. See reverse side for additional instructions.		FORM APPROVED OMB NO. 1105-0008	
1. Submit to Appropriate Federal Agency: Bureau of Land Management; California Desert District 22835 Calle San Juan De Los Lagos Moreno Valley, CA 92553			2. Name, address of claimant, and claimant's personal representative if any. (See instructions on reverse). Number, Street, City, State and Zip code. California FAIR Plan Association c/o Craig Simon - Berger Kahn ALC 2 Park Plaza, Suite 650, Irvine, CA 92614		
3. TYPE OF EMPLOYMENT <input type="checkbox"/> MILITARY <input type="checkbox"/> CIVILIAN		4. DATE OF BIRTH n/a	5. MARITAL STATUS n/a	6. DATE AND DAY OF ACCIDENT 07/06/2013	
7. TIME (A.M. OR P.M.) 12:55 pm (approx)					
8. BASIS OF CLAIM (State in detail the known facts and circumstances attending the damage, injury, or death, identifying persons and property involved, the place of occurrence and the cause thereof. Use additional pages if necessary). Preliminary investigation has revealed that the subject fire began off Sunrise Highway approximately 9 miles southeast of Julian. The fire then jumped the Sunrise highway and burned around and through the Mount Laguna area. The fire started as the result of a Jeep owned and operated by the Bureau of Land Management ("BLM") after brush became entangled in its undercarriage, causing grass west of Butterfield Ranch Resort to ignite. The Jeep burned on the floor of the desert at the same time the fire began. The fire then spread to the residential properties located in and round the Mount Laguna area.					
9. PROPERTY DAMAGE					
NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT (Number, Street, City, State, and Zip Code). c/o Craig S. Simon, Esq; Berger Kahn; 2 Park Plaza, Suite 650, Irvine, CA 92614					
BRIEFLY DESCRIBE THE PROPERTY, NATURE AND EXTENT OF THE DAMAGE AND THE LOCATION OF WHERE THE PROPERTY MAY BE INSPECTED. (See instructions on reverse side). Damage to Claimants' Insureds' properties and contents located at 11670 Sunrise Hwy #9, Mount Laguna, CA 91948 and 11067 Sunrise Hwy #55, Mount Laguna, CA 91948 and loss of use of property as a result of the Chariot Fire.					
10. PERSONAL INJURY/WRONGFUL DEATH					
STATE THE NATURE AND EXTENT OF EACH INJURY OR CAUSE OF DEATH, WHICH FORMS THE BASIS OF THE CLAIM. IF OTHER THAN CLAIMANT, STATE THE NAME OF THE INJURED PERSON OR DECEDENT.					
11. WITNESSES					
NAME		ADDRESS (Number, Street, City, State, and Zip Code)			
12. (See instructions on reverse). AMOUNT OF CLAIM (in dollars)					
12a. PROPERTY DAMAGE 194,473.16		12b. PERSONAL INJURY 		12c. WRONGFUL DEATH 	
				12d. TOTAL (Failure to specify may cause forfeiture of your rights). 194,473.16	
I CERTIFY THAT THE AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE INCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM.					
13a. SIGNATURE OF CLAIMANT (See instructions on reverse side). 			13b. PHONE NUMBER OF PERSON SIGNING FORM (949) 474-1880		14. DATE OF SIGNATURE 02/24/2015
CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM The claimant is liable to the United States Government for a civil penalty of not less than \$5,000 and not more than \$10,000, plus 3 times the amount of damages sustained by the Government. (See 31 U.S.C. 3729).			CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS Fine, imprisonment, or both. (See 18 U.S.C. 287, 1001.)		

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Previous Edition is not Usable

NSN 7540-00-634-4046

STANDARD FORM 95 (REV. 2/2007)
PRESCRIBED BY DEPT. OF JUSTICE
28 CFR 14.2

95-109

INSURANCE COVERAGE

In order that subrogation claims may be adjudicated, it is essential that the claimant provide the following information regarding the insurance coverage of the vehicle or property.

15. Do you carry accident insurance? ☐ Yes If yes, give name and address of insurance company (Number, Street, City, State, and Zip Code) and policy number. ☐ No

Claimant is an insurance carrier seeking subrogation for amounts paid on the properties damage claim of its insured Buford Lane, loss location 11670 Sunrise Hwy #9, Mount Laguna, CA 91948 and insured Barry J. Clay, loss location _____.

16. Have you filed a claim with your insurance carrier in this instance, and if so, is it full coverage or deductible? ☐ Yes ☐ No 17. If deductible, state amount.

N/A

18. If a claim has been filed with your carrier, what action has your insurer taken or proposed to take with reference to your claim? (It is necessary that you ascertain these facts).

N/A

19. Do you carry public liability and property damage insurance? ☐ Yes If yes, give name and address of insurance carrier (Number, Street, City, State, and Zip Code). ☐ No

N/A

INSTRUCTIONS

Claims presented under the Federal Tort Claims Act should be submitted directly to the "appropriate Federal agency" whose employee(s) was involved in the incident. If the incident involves more than one claimant, each claimant should submit a separate claim form.

Complete all items - Insert the word NONE where applicable.

A CLAIM SHALL BE DEEMED TO HAVE BEEN PRESENTED WHEN A FEDERAL AGENCY RECEIVES FROM A CLAIMANT, HIS DULY AUTHORIZED AGENT, OR LEGAL REPRESENTATIVE, AN EXECUTED STANDARD FORM 95 OR OTHER WRITTEN NOTIFICATION OF AN INCIDENT, ACCOMPANIED BY A CLAIM FOR MONEY

Failure to completely execute this form or to supply the requested material within two years from the date the claim accrued may render your claim invalid. A claim is deemed presented when it is received by the appropriate agency, not when it is mailed.

If instruction is needed in completing this form, the agency listed in item #1 on the reverse side may be contacted. Complete regulations pertaining to claims asserted under the Federal Tort Claims Act can be found in Title 28, Code of Federal Regulations, Part 14. Many agencies have published supplementing regulations. If more than one agency is involved, please state each agency.

The claim may be filed by a duly authorized agent or other legal representative, provided evidence satisfactory to the Government is submitted with the claim establishing express authority to act for the claimant. A claim presented by an agent or legal representative must be presented in the name of the claimant. If the claim is signed by the agent or legal representative, it must show the title or legal capacity of the person signing and be accompanied by evidence of his/her authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian or other representative.

If claimant intends to file for both personal injury and property damage, the amount for each must be shown in item number 12 of this form.

DAMAGES IN A SUM CERTAIN FOR INJURY TO OR LOSS OF PROPERTY, PERSONAL INJURY, OR DEATH ALLEGED TO HAVE OCCURRED BY REASON OF THE INCIDENT. THE CLAIM MUST BE PRESENTED TO THE APPROPRIATE FEDERAL AGENCY WITHIN TWO YEARS AFTER THE CLAIM ACCRUES.

The amount claimed should be substantiated by competent evidence as follows:

(a) In support of the claim for personal injury or death, the claimant should submit a written report by the attending physician, showing the nature and extent of the injury, the nature and extent of treatment, the degree of permanent disability, if any, the prognosis, and the period of hospitalization, or incapacitation, attaching itemized bills for medical, hospital, or burial expenses actually incurred.

(b) In support of claims for damage to property, which has been or can be economically repaired, the claimant should submit at least two itemized signed statements or estimates by reliable, disinterested concerns, or, if payment has been made, the itemized signed receipts evidencing payment.

(c) In support of claims for damage to property which is not economically repairable, or if the property is lost or destroyed, the claimant should submit statements as to the original cost of the property, the date of purchase, and the value of the property, both before and after the accident. Such statements should be by disinterested competent persons, preferably reputable dealers or officials familiar with the type of property damaged, or by two or more competitive bidders, and should be certified as being just and correct.

(d) Failure to specify a sum certain will render your claim invalid and may result in forfeiture of your rights.

PRIVACY ACT NOTICE

This Notice is provided in accordance with the Privacy Act, 5 U.S.C. 552a(e)(3), and concerns the information requested in the letter to which this Notice is attached.

A. **Authority:** The requested information is solicited pursuant to one or more of the following: 5 U.S.C. 301, 28 U.S.C. 501 et seq., 28 U.S.C. 2671 et seq., 28 C.F.R. Part 14.

B. **Principal Purpose:** The information requested is to be used in evaluating claims.

C. **Routine Use:** See the Notices of Systems of Records for the agency to whom you are submitting this form for this information.

D. **Effect of Failure to Respond:** Disclosure is voluntary. However, failure to supply the requested information or to execute the form may render your claim "invalid."

PAPERWORK REDUCTION ACT NOTICE

This notice is solely for the purpose of the Paperwork Reduction Act, 44 U.S.C. 3501. Public reporting burden for this collection of information is estimated to average 6 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Director, Torts Branch, Attention: Paperwork Reduction Staff, Civil Division, U.S. Department of Justice, Washington, DC 20530 or to the Office of Management and Budget. Do not mail completed form(s) to these addresses.

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(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

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Postage

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Certified Fee

6.00

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees

\$ 6.48

Postmark
Here

2-24-15

Sent To

BLM; California Desert District

Street, Apt. No.;

or PO Box No. 22835 Calle San Juan De los Lagos 32

City, State, ZIP+4

Moreno Valley, CA 92553

EXHIBIT C

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Bureau of Land Management
California Desert District
22835 Calle San Juan De los Lagos
Moreno Valley, CA 92553

A. Signature

X *Barbara Croongert*

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail®

☐ Priority Mail Express™

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee)

☐ Yes

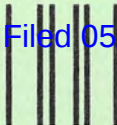
33

2. Article Number

(Transfer from service label)

7013 2630 0001 5383 7289

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

- Sender: Please print your name, address, and ZIP+4® in this box•

**Berger Kahn
A Law Corporation
2 Park Plaza, Suite 650
Irvine, CA 92614**

34

CSS-Chariott

EXHIBIT C

Exhibit D



IN REPLY
REFER TO:

United States Department of the Interior

OFFICE OF THE SOLICITOR
Pacific Southwest Region
2800 Cottage Way
Room E-1712
Sacramento, California 95825-1890

MAR 17 2015

RECEIVED

MAR 23 2015

BERGER KAHN

Certified Mail – Return Receipt Requested

Craig S. Simon, Esq.
Berger Kahn A Law Corporation
2 Park Plaza Suite 650
Irvine, CA 92654

Subject: TS-156 – California FAIR Plan Association

Dear Mr. Simon:

You have filed a tort claim on behalf of California FAIR Plan Association in the amount of \$194,473.16 pursuant to the Federal Tort Claims Act, 28 U.S.C. §§ 2671-2680, which provides for settlement of claims for damages caused by the negligent act or omission of a government employee while acting within the scope of his/her employment under certain specified circumstances. These claims have been referred to this office by the Bureau of Land Management (BLM) for administrative determination.

The administrative record fails to disclose any factual or legal basis to support a finding that the United States is responsible for the property damage claimed by your client as a result of the Chariot Fire on July 6, 2013. Therefore, this claim must be and is hereby denied.

If you are dissatisfied with this finding, you may resubmit this claim, together with your reasons for reconsideration, to the Regional Solicitor, Pacific Southwest Region, 2800 Cottage Way, Room E-1712, Sacramento, California 95825, within six months from the date of the mailing of this decision, or you may file an action in the United States District Court within that same six months.

Sincerely,

Clementine Josephson
Regional Solicitor

cc: Safety Officer-BLM

Exhibit E

EXHIBIT “E”

CARRIER	CLAIM NUMBER	OWNER LAST NAME	LOSS LOCATION CITY	STATE	ZIP	GRAND TOTAL
MID-CENTURY INSURANCE COMPANY	8001842005	CLIFTON LORNE JR	MT LAGUNA	CA	91948	\$2,366.00
FOREMOST PROPERTY AND CASUALTY INSURANCE COMPANY	8001829680	ENGSTROM	MT LAGUNA	CA	91948	\$18,500.00
FOREMOST PROPERTY AND CASUALTY INSURANCE COMPANY	8001822499	BAUERSFELD	MT LAGUNA	CA	91948	\$14,500.00
FOREMOST PROPERTY AND CASUALTY INSURANCE COMPANY	8001817484	STRANGMAN	MT LAGUNA	CA	91948	\$34,085.00
FOREMOST PROPERTY AND CASUALTY INSURANCE COMPANY	8001809753	RUSO	MT LAGUNA	CA	91948	\$65,000.00
FOREMOST PROPERTY AND CASUALTY INSURANCE COMPANY	8001806095	QUINE	MT LAGUNA	CA	91948	\$30,500.00
FOREMOST PROPERTY AND CASUALTY INSURANCE COMPANY	8001806006	SHEPARD	MT LAGUNA	CA	91948	\$11,700.00
FOREMOST PROPERTY AND CASUALTY INSURANCE COMPANY	8001803280	ELMORE	MT LAGUNA	CA	91948	\$14,000.00
FOREMOST PROPERTY AND CASUALTY INSURANCE COMPANY	8001802888	CHAVEZ	MT LAGUNA	CA	91948	\$18,500.00
FOREMOST PROPERTY AND CASUALTY INSURANCE COMPANY	8001802474	HAHN	MT LAGUNA	CA	91948	\$25,300.00
FOREMOST PROPERTY AND CASUALTY INSURANCE COMPANY	8001800389	COCHRAN	MT LAGUNA	CA	91948	\$20,500.00
FOREMOST PROPERTY AND CASUALTY INSURANCE COMPANY	8001798141	LARSEN	MT LAGUNA	CA	91948	\$19,000.00
FOREMOST PROPERTY AND CASUALTY INSURANCE COMPANY	8001797524	FAIN	MT LAGUNA	CA	91948	\$56,000.00
FOREMOST PROPERTY AND CASUALTY INSURANCE COMPANY	8001796710	MUTH	MT LAGUNA	CA	91948	\$66,613.00
FOREMOST PROPERTY AND CASUALTY INSURANCE COMPANY	8001796668	HUNTER	MT LAGUNA	CA	91948	\$45,500.00
FOREMOST PROPERTY AND CASUALTY INSURANCE COMPANY	8001796224	KELLER	MT LAGUNA	CA	91948	\$36,739.92
FOREMOST PROPERTY AND CASUALTY INSURANCE COMPANY	8001796132	SNELL	MT LAGUNA	CA	91948	\$53,000.00
FOREMOST PROPERTY AND CASUALTY INSURANCE COMPANY	8001793726	CONDON	MT LAGUNA	CA	91948	\$120,820.94
FOREMOST PROPERTY AND CASUALTY INSURANCE COMPANY	8001792198	WIEMAN	MT LAGUNA	CA	91948	\$65,600.00
FOREMOST PROPERTY AND CASUALTY INSURANCE COMPANY	8001792104	KOPENHAVER	MT LAGUNA	CA	91948	\$95,410.00
FOREMOST PROPERTY AND CASUALTY INSURANCE COMPANY	8001791377	GRIEVE	MT LAGUNA	CA	91948	\$42,100.00
FOREMOST PROPERTY AND CASUALTY INSURANCE COMPANY	8001790465	ALLEN	MT LAGUNA	CA	91948	\$74,547.00
FOREMOST PROPERTY AND CASUALTY INSURANCE COMPANY	8001790443	LYTTLETON	MT LAGUNA	CA	91948	\$13,000.00
FOREMOST PROPERTY AND CASUALTY INSURANCE COMPANY	8001790247	MAGDALUYO	MT LAGUNA	CA	91948	\$22,800.00

CARRIER	CLAIM NUMBER	OWNER LAST NAME	LOSS LOCATION CITY	STATE	ZIP	GRAND TOTAL
FOREMOST PROPERTY AND CASUALTY INSURANCE COMPANY	8001790162	FORD	MT LAGUNA	CA	91948	\$30,500.00
FOREMOST INSURANCE COMPANY GRAND RAPIDS, MICHIGAN	8001842457	BELL	MT LAGUNA	CA	91948	\$103,367.05
FOREMOST INSURANCE COMPANY GRAND RAPIDS, MICHIGAN	8001824622	ANTHONY JR	MT LAGUNA	CA	91948	\$11,500.00
FOREMOST INSURANCE COMPANY GRAND RAPIDS, MICHIGAN	8001819812	COX	MT LAGUNA	CA	91948	\$12,500.00
FOREMOST INSURANCE COMPANY GRAND RAPIDS, MICHIGAN	8001812150	COVARRUBIAS	MT LAGUNA	CA	91948	\$52,153.75
FOREMOST INSURANCE COMPANY GRAND RAPIDS, MICHIGAN	8001809437	RUCH	MT LAGUNA	CA	91948	\$6,388.30
FOREMOST INSURANCE COMPANY GRAND RAPIDS, MICHIGAN	8001806159	SHULTZ	MT LAGUNA	CA	91948	\$67,674.00
FOREMOST INSURANCE COMPANY GRAND RAPIDS, MICHIGAN	8001804420	NITZ	MT LAGUNA	CA	91948	\$37,001.44
FOREMOST INSURANCE COMPANY GRAND RAPIDS, MICHIGAN	8001804035	POWELL	MT LAGUNA	CA	91948	\$26,000.00
FOREMOST INSURANCE COMPANY GRAND RAPIDS, MICHIGAN	8001799718	ADAMS	MT LAGUNA	CA	91948	\$45,500.00
FOREMOST INSURANCE COMPANY GRAND RAPIDS, MICHIGAN	8001798953	JOHNSON	MT LAGUNA	CA	91948	\$55,127.91
FOREMOST INSURANCE COMPANY GRAND RAPIDS, MICHIGAN	8001792979	CARLSON	MT LAGUNA	CA	91948	\$51,897.00
FOREMOST INSURANCE COMPANY GRAND RAPIDS, MICHIGAN	8001792917	BENKER	MT LAGUNA	CA	91948	\$14,125.00
FOREMOST INSURANCE COMPANY GRAND RAPIDS, MICHIGAN	8001792890	SALINI	MT LAGUNA	CA	91948	\$51,499.02
FOREMOST INSURANCE COMPANY GRAND RAPIDS, MICHIGAN	8001791726	LOPEZ	MT LAGUNA	CA	91948	\$48,570.00
FOREMOST INSURANCE COMPANY GRAND RAPIDS, MICHIGAN	8001790211	BRILL	MT LAGUNA	CA	91948	\$25,500.00
FOREMOST INSURANCE COMPANY GRAND RAPIDS, MICHIGAN	8001789766	JESMOND	MT LAGUNA	CA	91948	\$22,258.69
FOREMOST INSURANCE COMPANY GRAND RAPIDS, MICHIGAN	8001789647	PALMER	MT LAGUNA	CA	91948	\$3,124.05
FOREMOST INSURANCE COMPANY GRAND RAPIDS, MICHIGAN	8001788577	ACUNA	MT LAGUNA	CA	91948	\$32,000.00
FOREMOST INSURANCE COMPANY GRAND RAPIDS, MICHIGAN	8001787755	JAYROE	MT LAGUNA	CA	91948	\$89,633.00
FIRE INSURANCE EXCHANGE	8002265205	CARTER	MT LAGUNA	CA	91948	\$3,000.00
FIRE INSURANCE EXCHANGE	8001921662	NITZ	SHRINER CAMP	CA	91948	\$5,700.00
FIRE INSURANCE EXCHANGE	8001796060	URIBE	MT LAGUNA	CA	91948	\$154,836.08
CALIFORNIA FAIR PLAN ASSOCIATION	179909	LANE	MT LAGUNA	CA	91948	\$176,357.34
CALIFORNIA FAIR PLAN ASSOCIATION	179905	CLAY	MT LAGUNA	CA	91948	\$194,473.16
TOTAL						\$2,286,767.74